

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

John A Delay and Vicki K. Delay,

Plaintiffs,

v.

Case No. 12-cv-11134  
Honorable Sean F. Cox

Commissioner of Social Security,

Defendant.

---

**OPINION AND ORDER**  
**ACCEPTING AND ADOPTING REPORT & RECOMMENDATION**

Pro Se Plaintiffs John and Vicki DeLay filed this action, pursuant to 42 U.S.C. § 405(g), on March 14, 2012, seeking review of the final decision of Defendant Commissioner of Social Security (“Commissioner”) denying Plaintiff John DeLay’s application for disability and Disability Insurance Benefits (“DIB”) under the Social Security Act. (Docket Entry No. 1; Docket Entry No. 8, at 1.)

The Court later referred the action to Magistrate Judge Laurie J. Michelson for issuance of a Report and Recommendation. (Docket Entry No. 2).

On September 4, 2012, the Commissioner filed its Motion for Summary Judgment, contending that he is entitled to judgment as a matter of law because 1) “[t]he Commissioner has rendered a final decision in this matter and has filed with this Court the administrative record upon which that decision is based” and 2) “[t]he administrative record demonstrates that the decision of the Commissioner in this case is supported by substantial evidence . . . .” (Docket Entry No. 7, at 1.)

On January 30, 2013, in her Report and Recommendation (“the R&R”) to Grant Defendant’s Motion for Summary Judgment, Magistrate Judge Michelson determined that substantial evidence supports the Administrative Law Judge’s decision, and recommended that the Commissioner’s Motion for Summary Judgment be GRANTED, and that, pursuant to 42 U.S.C. § 405(g), the decision of the Commissioner be AFFIRMED. (Docket Entry No. 8, at 1.)

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R.

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed any objections to the R&R.

The Court finds that the issues have been adequately presented in the parties’ briefs and that oral argument would not significantly aid the decision making process. *See* Local Rule 7.1(f)(2), U.S. District Court, Eastern District of Michigan. The Court therefore orders that the motion will be decided on the briefs.

The Court hereby **ADOPTS** the January 30, 2013, R&R and **ORDERS** that the Commissioner’s Motion for Summary Judgment [Docket Entry No. 7] is **GRANTED**, and that, pursuant to 42 U.S.C. § 405(g), the decision of the Commissioner is **AFFIRMED**.

IT IS SO ORDERED.

Dated: February 26, 2013

S/ Sean F. Cox  
Sean F. Cox  
U. S. District Court Judge

I hereby certify that on February 26, 2013, the foregoing document was served upon counsel of record by electronic means and upon John and Vicki DeLay by First Class Mail at the address

below:

John and Vicki DeLay  
420 W. 2nd Street  
Davison, MI 48423

Dated: February 26, 2013

S/ J. McCoy  
Case Manager